

HOUSE BILL No. 1133

DIGEST OF INTRODUCED BILL

Citations Affected: IC 4-29.

Synopsis: Casino gaming in West Baden and French Lick. Prohibits land based casinos in Indiana except for a casino subject to a tribal-state compact. Requires the state to enter a tribal-state compact to permit casino gambling on Indian lands in French Lick and West Baden.

Effective: July 1, 1999.

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January 6, 1999, read first time and referred to Committee on Public Policy, Ethics and Veterans Affairs.

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Introduced

First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

HOUSE BILL No. 1133

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 4-29 IS ADDED TO THE INDIANA CODE AS A
2 **NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1,**
3 **1999]:**

4 **ARTICLE 29. TRIBAL GAMING**

5 **Chapter 1. Applicability**

6 **Sec. 1. This article does not apply to a riverboat licensed under**
7 **IC 4-33.**

8 **Sec. 2. This article does not apply to a charity game night as**
9 **defined in IC 4-32-6-11.**

10 **Chapter 2. Definitions**

11 **Sec. 1. The definitions in this chapter apply throughout this**
12 **article.**

13 **Sec. 2. "Indian lands" has the meaning set forth in 25 U.S.C.**
14 **2703(4).**

15 **Sec. 3. "Land based casino" means a location in which a**
16 **gambling game (as defined in IC 4-33-2-9) is conducted.**

17 **Sec. 4. "Tribal-state compact" means a compact under 25**

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U.S.C. 2701 et seq. between an Indian tribe and the state to allow gaming on Indian lands located in Indiana.

Chapter 3. Land Based Casino Ban

Sec. 1. This chapter does not apply to a land based casino located on Indian lands under a tribal-state compact authorized by the general assembly.

Sec. 2. Land based casinos are prohibited in Indiana as against public policy.

Chapter 4. Tribal-State Compacts

Sec. 1. The state may not enter into a tribal-state compact to allow gaming on Indian lands in Indiana without the authorization of the general assembly.

Sec. 2. A tribal-state compact entered into without the authorization of the general assembly is void.

Sec. 3. The state shall negotiate a tribal-state compact to allow gaming on Indian lands in the following municipalities:

(1) A town:

(A) that is located in a county having a population of more than eighteen thousand three hundred (18,300) but less than eighteen thousand five hundred (18,500);

(B) having a population of more than two thousand eighty-five (2,085) but less than three thousand (3,000); and

(C) in which a majority of the town's citizens voting on a public question vote to allow casino gambling in the town.

(2) A town:

(A) that is located in a county having a population of more than eighteen thousand three hundred (18,300) but less than eighteen thousand five hundred (18,500);

(B) having a population of more than six hundred seventy (670) but less than one thousand (1,000); and

(C) in which a majority of the town's citizens voting on a public question vote to allow casino gambling in the town.

Sec. 4. (a) The Indian casino negotiation committee is established to negotiate a tribal-state compact with an Indian tribe under section 3 of this chapter.

(b) The committee consists of the following:

(1) One (1) member of the general assembly appointed by the governor.

(2) One (1) member of the general assembly appointed by the president pro tempore of the senate.

(3) One (1) member of the general assembly appointed by the



1 speaker of the house of representatives.

2 (4) One (1) member of the general assembly appointed by the
3 legislative leader of a major political party (as defined in
4 IC 3-5-2-30) that is different from the political party of the
5 president pro tempore of the senate.

6 (5) One (1) member of the general assembly appointed by the
7 legislative leader of a major political party (as defined in
8 IC 3-5-2-30) that is different from the political party of the
9 speaker of the house of representatives.

10 (c) The term of a member of the committee ends on the date the
11 member ceases to be a member of the general assembly. If a
12 vacancy occurs on the committee, the vacancy shall be filled by the
13 appointing authority making the original appointment.

14 (d) Each member of the committee is entitled to receive the
15 same per diem, mileage, and travel allowances paid to members of
16 the general assembly serving on interim study committees
17 established by the legislative council.

18 Sec. 5. The Indian casino negotiation committee shall do the
19 following:

20 (1) Negotiate a tribal-state compact with an Indian tribe
21 permitting the Indian tribe to operate a land based casino in
22 a town described in section 3 of this chapter.

23 (2) Recommend legislation implementing the tribal-state
24 compact.

25 Sec. 6. A tribal-state compact negotiated under this chapter
26 must include terms concerning the following:

27 (1) The management of a casino.

28 (2) Casino revenue sharing.

29 (3) Infrastructure and site improvements.

30 (4) The administration of casino gaming.

31 (5) The types of gaming permitted in a casino.

32 Sec. 7. A tribal-state compact negotiated under this chapter may
33 not allow an Indian tribe to operate a land based casino at any
34 location except a town described in section 3 of this chapter.

35 SECTION 2. [EFFECTIVE JULY 1, 1999] (a) This SECTION
36 applies to the following:

37 (1) A town:

38 (A) that is located in a county having a population of more
39 than eighteen thousand three hundred (18,300) but less
40 than eighteen thousand five hundred (18,500); and

41 (B) that has a population of more than two thousand
42 eighty-five (2,085) but less than three thousand (3,000).



- 1 **(2) A town:**
 2 **(A) that is located in a county having a population of more**
 3 **than eighteen thousand three hundred (18,300) but less**
 4 **than eighteen thousand five hundred (18,500); and**
 5 **(B) that has a population of more than six hundred seventy**
 6 **(670) but less than one thousand (1,000).**
 7 **(b) The election board of:**
 8 **(1) a town described in subsection (a)(1); and**
 9 **(2) a town described in subsection (a)(2);**
 10 **shall place the following question on the 2000 primary election**
 11 **ballot in the town in the form prescribed by IC 3-10-9-4:**
 12 **"Shall an Indian casino be permitted to operate in a**
 13 **designated casino in the town of _____?"**.
 14 **(c) Notwithstanding IC 3-10-9, a local public question placed on**
 15 **the ballot in a town under this SECTION may be voted on only by**
 16 **residents of the town.**
 17 **(d) Notwithstanding IC 3-12-5, the clerk of the circuit court of**
 18 **the county in which a public question is on the primary election**
 19 **ballot under this SECTION shall certify the results of the public**
 20 **question to the secretary of state not later than May 19, 2000.**
 21 **(e) This SECTION expires June 1, 2000.**

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